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REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY: CONVENTION ON THE PROHIBITION OF THE USE OF NUCLEAR WEAPONS

Letter dated 17 June 1994 from the Permanent Representative of India to the United Nations addressed to the Secretary-General

Enclosed herewith is a submission made by India earlier this month to the International Court of Justice, following a World Health Assembly resolution adopted last year requesting an advisory opinion on the health and environmental effects arising out of the use of the nuclear weapons (World Court case on the legality of the use of nuclear weapons) (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly under item 65 (b) of the preliminary list.

(Signed) M. H. ANSARI
Ambassador
Permanent Representative

* A/49/50/Rev.1.

ANNEX

Submission made by India to the International Court of Justice in June 1994, following a World Health Assembly resolution adopted in 1993 requesting an advisory opinion on the health and environmental effects arising out of the use of nuclear weapons (World Court case on the legality of the use of nuclear weapons)

The existence of nuclear weapons poses a threat to the very survival of mankind. While the end of the cold war has ushered in some positive developments, the shadow of a nuclear holocaust continues to loom over us. It is, therefore, imperative that nuclear weapons be eliminated. A first step in this direction would be to outlaw the use of such weapons.

United Nations General Assembly resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981 have declared that the use of nuclear weapons would be a violation of the Charter and a crime against humanity.

In 1978, India called for a total prohibition of the use of nuclear weapons on these grounds. Since 1982, we have tabled a resolution calling for a Convention on the Prohibition of the Use of Nuclear Weapons; the latest resolution adopted by the United Nations General Assembly was resolution 48/76 B of 16 December 1993 entitled "Convention on the Prohibition of the Use of Nuclear Weapons". Since the international community has agreed that the use of nuclear weapons constitutes a crime against humanity and a violation of the Charter, it follows that the use of such weapons has already been generally accepted as illegal.

International humanitarian law, including the Hague Conventions, the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, prohibit indiscriminate killing or the use of weapons of mass destruction which make it impossible to observe the fundamental distinction between combatants on the one hand, and non-combatants and protected persons and places on the other. Therefore, the use of nuclear weapons is a violation of international humanitarian law.

Reports of the World Health Organization published in 1984 and 1987 on the effects of nuclear war have clearly established that even a limited nuclear conflict, which is a contradiction in terms, will wreak unlimited damage, causing human suffering and environmental destruction on an unprecedented scale. The devastation that would be caused by the use of nuclear weapons is totally out of proportion to the role claimed for it in the defence of the national security of a handful of States. These weapons threaten human existence.

The International Court of Justice is invited to confirm the generally accepted view among nations that the use of nuclear weapons is illegal.